

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 5:21-cr-23
)	
RICHARD E. MOORE)	

**UNITED STATES' MOTION TO SUBPOENA INFORMATION AND
RECORDS FOR PRODUCTION IN ADVANCE OF TRIAL DATE**

Comes now the United States, by counsel, and respectfully moves the Court for an Order, pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, to allow the United States to subpoena certain information and records from the Virginia Department of Taxation for Nexus Services for the period between January 1, 2014 and December 31, 2020. This includes: any and all records of the Virginia state income tax withholding returns (including VA5, VA6, and VA16) that Nexus Services filed; any and all records of Virginia state income tax withholding payments that Nexus Services made, including when those payments were made; and any and all records regarding the manner in which Nexus Services accessed or logged in to the Virginia Department of Taxation, including by iFile and EFT, and the identity of any user/login accounts associated with Nexus Services. The United States considers these records relevant to the above-captioned matter, now pending before this Court, and asks that the subpoenaed records be provided to the U.S. Department of Justice, Tax Division, by way of Special Agent Wes Johnson of the Internal Revenue Service – Criminal Investigation. The United States requests that the records be produced no later than November 29, 2023, which is scheduled to begin on December 4, 2023, so that the United States may review the records in advance of trial and produce them to defense counsel.

WHEREFORE, the United States respectfully requests the Court enter an Order allowing the United States to subpoena the requested materials and records for delivery no later than November 29, 2023.

Respectfully submitted,

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/s/ William M. Montague
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CERTIFICATE OF SERVICE

I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This 17th day of November 2023.

/s/ William M. Montague
William M. Montague
Trial Attorney